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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,573	03/10/2000	Rex A. Naden	73169	5871

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/523,573

Applicant(s)

Rex A. Naden et al.

Examiner

Bharat Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 10, 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 04 6) ☐ Other:

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DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The abstract of the disclosure is objected to because the abstract of the disclosure contains "may be" which is not proper language and format for an abstract of the disclosure. Correction is required. See MPEP § 608.01(b).

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (U.S. Patent No. 6,374,177). Lee's patent meets all the limitations for claims 1-34 recited in the claimed invention.

6. As to claim 1, Lee et al disclose a communications system (*see abstract; and figure 1*), comprising:

a first unit (multimedia device) including a first transceiver, a first memory and a first CPU, the first CPU operating to access data at the first transceiver and at the first memory (*figures 1-2; column 5 line 44 to column 6 line 8; and column 8 lines 25-61*);

a second unit (gateway) including a second transceiver, a second memory and a second CPU, the second CPU operating to access data at the second transceiver and at the second memory (*figures 1 and 3; column 6 lines 9-20; and column 10 line 40 to column 12 line 9*),

wherein the first CPU operates to transmit a request signal from the first transceiver to the second transceiver, the second CPU responds to receiving the request signal at the second transceiver by accessing a data file at the second memory and transmitting the data file from the second transceiver to the first transceiver, and the first CPU responds to receiving the data file at the first transceiver by storing the data file at the first memory (*figures 1-3; column 6 lines 21-33; column 8 lines 25-61; column 10 lines 40-67; and column 16 lines 7-22 and 4-54*).

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7. As to claims 2, 4, 6, and 9, Lee et al disclose that at least-one of the first unit and the second unit is included in a vehicle, and the request list is generated by a voice-activated system (*figures 1-3; column 5 lines 53-56; column 6 lines 21-33; and column 10 lines 30-39 and 49-67*).

8. As to claims 3, 7, and 10, Lee et al disclose that the data file includes MP3-formatted music, and the first unit includes a music player (*column 8 lines 44-61; and column 12 lines 48-56*).

9. As to claim 5, Lee et al disclose that the request signal includes a request list, the request list comprising an identifier for a program, and the data file accessed by the second CPU includes data for the program identified by the identifier (*column 8 lines 41-50; column 10 lines 20-30; and column 11 line 1 to column 12 line 19*).

10. As to claim 8, Lee et al disclose that the request signal is sent in a continuous mode, and the second transceiver responds to receiving the request signal when the request signal is received at a sufficient strength (*column 8 lines 25-61; and column 11 line 52 to column 12 line 19*).

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11. As to claim 11, Lee et al disclose a communications system (*see abstract; and figure 1*), comprising:

a first unit (multimedia device) including a receiver, a first memory and a first CPU, the first CPU operating to access data at the first receiver and at the first memory (*figures 1-2; column 5 line 44 to column 6 line 8; and column 8 lines 25-61*);

a second unit (gateway) including a transmitter, a second memory and a second CPU, the second CPU operating to access data at the transmitter and at the second memory (*figures 1 and 3; column 6 lines 9-20; and column 10 line 40 to column 12 line 9*),

wherein the second CPU includes an agent (remote programming device) program that generates a request signal, the second CPU responds to the request signal by accessing a data file at the second memory and transmitting the data file from the transmitter to the receiver, and the first CPU responds to receiving the data file at the receiver by storing the data file at the first memory (*figures 1-3; column 5 line 60 to column 6 line 8; column 8 lines 25-61; column 10 lines 40-67; column 12 lines 3-56; and column 16 lines 7-22 and 4-54*).

12. As to claims 12-20, they are also rejected for the same reasons set forth to rejecting claims 2-10 above.

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13. As to claims 21-30, they are also rejected for the same reasons set forth to rejecting claims 1-10 above, since claims 21-30 are merely a method of operation for the apparatus defined in the apparatus claims 1-10.

14. As to claim 31, Lee et al disclose that the first storage unit is included in a vehicle; and the second storage unit is included in a fixed unit (*figures 1-3; column 5 lines 53-56; column 6 lines 21-33; and column 10 line 49 to column 11 line 15*).

15. As to claim 32, Lee et al disclose that the data file includes MP3-formatted music, and the first unit includes a music player (*column 8 lines 44-61; and column 12 lines 48-56*).

16. As to claims 33-34, Lee et al disclose that the fixed unit is a dwelling unit or a commercial unit (*column 10 line 49 to column 11 line 15; and column 14 lines 45-59*).

Additional References

17. The following references are cited by the examiner as of general interest.

- a. Parrella et al, U.S. Patent No. 6,507,764.
- b. Kennedy et al, U.S. Patent No. 6,377,825.
- c. Razavi et al, U.S. Patent No. 6,370,449.

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Contact Information

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose telephone number is **(703) 305-4092**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

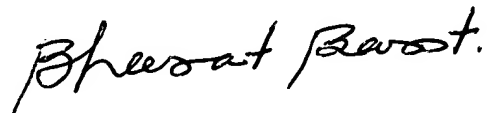
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **An, Meng-Ai**, can be reached at **(703) 305-9678**. The fax phone numbers for examiner's Art Unit OR Group are **After final response (703) 746-7238, Official response (703) 746-7239, and Unofficial/Draft response (703) 746-7240**.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is **(703) 305-3900**.

Patent Examiner Bharat Barot

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March 25, 2003



**BHARAT BAROT
PRIMARY EXAMINER**